

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION**

MDL No. 1456
C.A. No. 01-12257-PBS

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Judge Patti B. Saris

**CONSUMER PLAINTIFF, REV. DAVID AARONSON'S,
NOTICE OF INTENT TO APPEAR**

Consumer Plaintiff, Rev. David Aaronson, individually and on behalf of the Estate of Susan Ruth Aaronson, by and through his undersigned counsel, hereby indicates his intent to appear, through the counsel listed below, at the March 28, 2011 fairness hearing in the above-captioned matter relating to the proposed Class 1 settlement with Bristol-Myers Squibb. Rev. Aaronson intends to present argument on his Motion to Enforce Settlement, filed on or about February 16, 2010, and to present evidence supporting his objections to the proposed settlement for all the reasons set forth in prior pleadings filed in this matter, and for any additional reasons that may be raised by others who appear in objection to, or in support of, the proposed settlement. Rev. Aaronson reserves the right to respond to the submissions of Class Counsel filed late Monday, March 14, 2011 and all other submissions made before, during, and after the fairness hearing, as appropriate.

In addition to the written materials described above and others to be presented at the hearing, Rev. Aaronson intends to call the following persons and witnesses as live witnesses

(either in person or by telephone) at the fairness hearing, with the anticipated (but approximated) time periods of direct testimony indicated:

1. Agnes Swayze (20 minutes);
2. Wells G. Wilkinson, Prescription Action Litigation project (20 minutes);
3. Jeffrey S. Goldenberg (10 minutes)
4. Sean Matt, Hagens Berman (30 minutes);
5. Zenola Harper, former counsel for Bristol-Myers Squibb and BMS signatory to the June 25, 2007 Memorandum of Understanding (20 minutes)
6. Eric J. Miller, Rust Consulting (20 minutes);

Appropriate Notices to Attend are being issued today to each of these individuals. Rev. Aaronson also reserves the right to examine any witnesses not listed above who may testify with respect to the settlement. Rev. Aaronson also reserves the right to call Raymond Hartman, plaintiff's expert, and/or Gregory K. Bell, BMS's expert, regarding their expert reports submitted in the federal and/or state cases as they relate to the Fairness Hearing issues.

In light of the time needed for the above-stated testimony, for counsel to fully present the arguments of Rev. Aaronson, and to answer any questions the Court may have, in addition to the time needed for the proponents of the settlements, the undersigned respectfully requests that the hearing may need to be continued after March 28 so as to provide adequate time for a full, fair hearing on all issues raised by the Motion to Enforce and the proposed settlement.

Should the Court refuse to allow one or more witnesses to be examined live at the hearing, Rev. Aaronson reserves the right to supplement his submission by proffer at the hearing and/or further written submission.

Dated: March 17, 2011

Respectfully submitted,

/s/ Donald E. Haviland, Jr.
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